

In attendance: Jean Rolfs, Karen Waldroff, Jo-Ann Goldman, Ralph Waddell, Charlie Coleman, John Phillips, and Joe Kolb. Committee members Linda Green, Charles Tucker, Warren Dupwe, Eddie Schieffler and Rosalind Mouser were unable to attend.

Question: Why are attorneys charged when adding creditors to the original matrix, even if they are adding DFA (Department of Finance and Administration) or IRS?

Answer: *If an attorney forgets to put DFA and IRS on their original creditor matrix, then submits it later as adding creditors to the matrix, the court has to charge the appropriate fee for adding creditors. The court has not “automatically” added DFA and IRS as creditors for several years (this was the court’s practice prior to ECF).*

Question: Attorneys sometimes make ECF errors and request that filing fees be refunded. Are the judges denying all refunds?

Answer: *No, the judges are not denying all refunds. Refunds are only allowed for duplicate CM/ECF filing fees (Duplicate filing fees are those fees due upon filing the initial bankruptcy petition; they are not those fees due upon filing adversary proceedings complaints, and contested proceedings motions.) Refunding duplicate CM/ECF filing fees cannot be allowed indiscriminately, and must be requested of the appropriate Judge. Only those caused by ECF problems are considered.*

The normal procedure is for the attorney to file a Motion for Refund of Fee, and submit an Order to the appropriate Judge. If the judge grants the order, the refund is processed. The Clerk’s office will call the attorney’s office to get a “One Time Credit Card Authorization Form” in order to process the refund directly to the appropriate credit card originally charged.

The court refunds fees for Motions for Relief from Stay in closed cases, since the court did not have the authority to collect a fee in a closed case to begin with.

Between June 1 and September 22 of this year, Judge Mixon has granted 8 refunds, Judge Evans has granted 1 refund, and Judge Taylor has granted 3 refunds.

Question: Why are attorneys being charged \$26 for Change of Address?

Answer: *The court has to charge for creditors being added. If the creditor is already on the creditor matrix and the address is simply changing, no fee is charged.*

Question: What was the decision on the Notices of Hearing scheduled for Motions for Relief from Stay standard language?

This issue was originally raised at the meeting 2/25/04. This request was passed on to the judges for their review and decision at that time. The request as previously stated follows:

On Notices of Hearing scheduled for Motions for Relief from Stay, the standard language is slightly different between LR and FA. In LR, the notices say either “For compelling reasons, the Court hereby orders that the automatic stay shall remain in effect pending the outcome of the above scheduled hearing, in accordance with 11 U.S.C. 362(e),” or “For compelling reasons, the court orders that the automatic stays shall remain in effect pending the outcome of the above scheduled hearing.” In FA the notice says “Counsel for movant waives 30 day period pursuant to 11 U.S.C. s. 362 (e).”

It was asked if the FA notice could use one of the “compelling reason” versions. The current language appears that the creditor’s attorney has specifically waived rights without the prior proper authority from their client.

Answer: *Each of the judges will continue to use their current standard language.*

Update: Jean updated the committee on the NOMAD podiums in the courtrooms, their capabilities, ease of use, and training opportunities. She also updated the committee on digital recording equipment in Judge Evans’ and Judge Taylor’s courtrooms. The proposed Local Rules will be sent from the Bankruptcy Judges to the Debtor Creditor Bar for comment. When the Judges have the local rules ready for review, they will be posted on the court’s website with a link to e-mail comments to Kim Tucker, Debtor Creditor Bar of Central Arkansas, President.

Credit card processing changes go into effect September 30th. A mailing with the changes will be received by all ECF users early next week.

Question: What are the timeframes for receiving requested Ordinary Transcripts vs. Expedited Transcripts?

Answer: *Ordinary Transcript requests are to be delivered within thirty (30) calendar days after receipt of an order.*

Expedited Transcripts are to be delivered within seven (7) calendar days after receipt of an order.

Question: Why does the Goldman Chapter 13 Trustee's office insist on payroll deductions when the plan requests a direct pay?

Answer: *All three Chapter 13 Trustee offices use payroll orders as part of the authorized routine orders for the Court to order the plan payment to be made from the employer or directly. If the debtor is employed, a payroll order for withholding by the employer is used. In some instances and upon attorney request, Babin and Coop will agree that employed debtors may make payments directly. Goldman said it is documented that the probability of success increases for Chapter 13 with a payroll order in place. Many debtors do not make payments as encouraged by the trustee by money order, cashier's check, or certified funds. That causes a delay in disbursement because checks remitted after the 15th of every month to any trustee by the debtor directly are placed on hold to make sure the funds clear the bank. It is an administratively smoother process when the payments are made by the employer and does not delay payments to creditors or the debtor's attorneys.*

Goldman did note that her office will do an automatic draft for the debtor from his or her checking account for those that have extenuating circumstances. The debtor bar may call her office for that information.

Issue: Will the court post all ECF user's e-mail addresses on the court's website?

Answer: *No. Due to privacy concerns, as well as hackers spamming the e-mail addresses to send bogus e-mails, and the high likelihood of having incorrect e-mail addresses posted, this idea will not be implemented.*

Discussion:: The group discussed the committee makeup and beginning rotation of members. Potential members were suggested. Jean will work out the logistics.

NEXT MEETING DATE: March 23, 2005 1:00 pm. U.S. Bankruptcy Courthouse,
Second Floor Conference Room (following Debtor Creditor Bar
Luncheon)